IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc 18314-M of 2007

Date of decision: 23.3.2007

Harpal Singh …Petitioner

Versus

State of Punjab …Respondent

Present: Mr Vipin Mahajan, Advocate.

S.S. SARON, J (Oral)

This petition under Section 482 CrPC has been filed seeking expeditious trial of case FIR 94 dated 13.6.2003 registered at Police Station Dhariwal under Sections 302/326/324/323/148/149 IPC pending before the learned Additional Sessions Judge Gurdaspur.

Learned counsel for the petitioner contends that though he has not moved an application for expeditious disposal of the trial before the learned trial Court, however, he can come to this Court straight away in view of the law laid down by the Supreme Court in ***P. Ramachandra Rao v. State of Karnataka*** JT 2002(4) SC 92. He has referred to the proposition (5) of the said case, which reads as under:-

> "(5) The criminal courts should exercise their available powers such as those under sections 309, 311 and 258 of Code of Criminal Procedure to effectuate the right to speedy trial. A watchful and diligent trial judge can prove to be better protector of such right than any guidelines. In appropriate cases, jurisdiction of High Court under section 482 of CrPC

and Articles 226 and 227 of Constitution can be invoked seeking appropriate relief or suitable directions."

A perusal of the above shows that a watchful and diligent trial judge can prove to be better protector of such right than any guidelines. Besides, it is in appropriate cases that the, jurisdiction of the High Court under Section 482 CrPC and Articles 226 and 227 of the Constitution of India can be invoked seeking appropriate relief or suitable directions. Therefore, evidently, it is the trial Court in the first instance which is liable to be moved for appropriate directions. In terms of the orders dated 10.11.2006, the learned trial Court has observed that no short date is possible and therefore, the case was adjourned to 16.3.2007. It is for the trial Court to regulate its work and dispose of the cases keeping in view the pending matters and the urgency of the cases. The present case is now fixed for 30.4.2007 before the learned trial Court. The petitioner is the complainant in the case and it would be improper for this Court without having the particulars to pass orders for expeditious disposal of the case. In the circumstances, it would be more appropriate if the petitioner in the first instance approaches the learned trial Court itself. The facts and circumstances do not warrant interference with the functioning of the trial Court at this stage without the petitioner first approaching the trial Court.

Dismissed.

23.3.2007. (S.S.SARON)
ASR JUDGE